

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 27 1982

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING July 27 A.D., 19 82 ,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
John H. Logan, Council Attorney
IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,
PRESENT THE FOLLOWING MEMBERS VIZ:
BRADBURY ✓ , BURNS ✓ , EISBART ✓ ,
GIAQUINTA ✓ , NUCKOLS A , SCHMIDT ✓ ,
SCHOMBURG ✓ , STIER ✓ , TALARICO ✓ ,
ABSENT _____
COUNCILMAN _____ , _____ , _____ ,
_____ , _____ , _____ ,
THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
_____, 19____. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR _____, 19____,
_____, 19____,
SPECIAL _____, 19____,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



The City of Fort Wayne

Office of the Mayor

July 14, 1982

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Today, July 14, 1982, I have approved the following ordinances passed by the Common Council at its regular meeting of July 13, 1982.

(Bill No. A-82-06-16)
APPROPRIATION ORDINANCE NO. A-06-82

AN ORDINANCE of the City of Fort Wayne, Indiana appropriating the sum of Three Million One Hundred Thousand Dollars (\$3,100,000.00) to be applied on the cost of various street improvements and expenses incurred in connection therewith

(Bill No. S-82-06-17)
SPECIAL ORDINANCE NO. S-116-82

AN ORDINANCE approving a certain bid document for the purchase of two (2) riding greensmowers for the Parks and Recreation Department

(Bill No. S-82-06-19)
SPECIAL ORDINANCE NO. S-117-82

AN ORDINANCE approving Civil City Purchase Order No. A-017853 with Ries Equipment Co., Inc. for the Street Department

(Bill No. S-82-06-20)
SPECIAL ORDINANCE NO. S-118-82

AN ORDINANCE approving an Agreement between the City of Fort Wayne and the Fort Wayne Fine Arts Foundation, Inc.



(Bill No. S-82-06-31)
SPECIAL ORDINANCE NO. S-119-82
(as amended)

AN ORDINANCE authorizing the City of Fort Wayne, Indiana's further participation with respect to International Harvester Company's Parts Distribution Center

(Bill No. R-82-07-15)
RESOLUTION NO. R-36-82

A RESOLUTION IN SUPPORT OF DAYBREAK, INC.

(Bill No. R-82-06-21)
RESOLUTION NO. R-37-82

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$250,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, ROY M. WIELAND TO PROCEED WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE PROJECT

(Bill No. Z-82-06-23)
ZONING MAP ORDINANCE NO. Z-15-82

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. H-15

(Bill No. G-82-04-17)
GENERAL ORDINANCE NO. G-14-82

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain easement

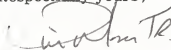
(Bill No. S-82-06-28)
SPECIAL ORDINANCE NO. S-119-82

AN ORDINANCE approving Resolution No. 72-10-35, Optional Cash Payment in Lieu of Monthly Special Capital Surcharge Payments, for the Board of Public Works

(Bill No. R-82-07-18)
RESOLUTION NO. R-38-82

A RESOLUTION of the Common Council of the City of Fort Wayne to amend Resolution No. R-56-79, which sets forth the policy of the City in regard to newly annexed areas

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Win Moses, Jr.", written over a horizontal line.

Win Moses, Jr.
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

8 July 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

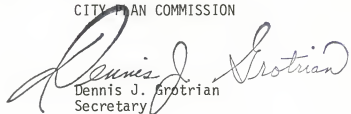
The proposed ordinance is designated as:

BILL NO. G-82-06-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of July 1982.


Dennis J. Grottrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

8 July 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held June 28, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-82-06-04 *21*
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. This portion of Catherine Avenue no longer serves any use as a public street.

If there are any questions with regard to this ordinance, please feel free to contact us.

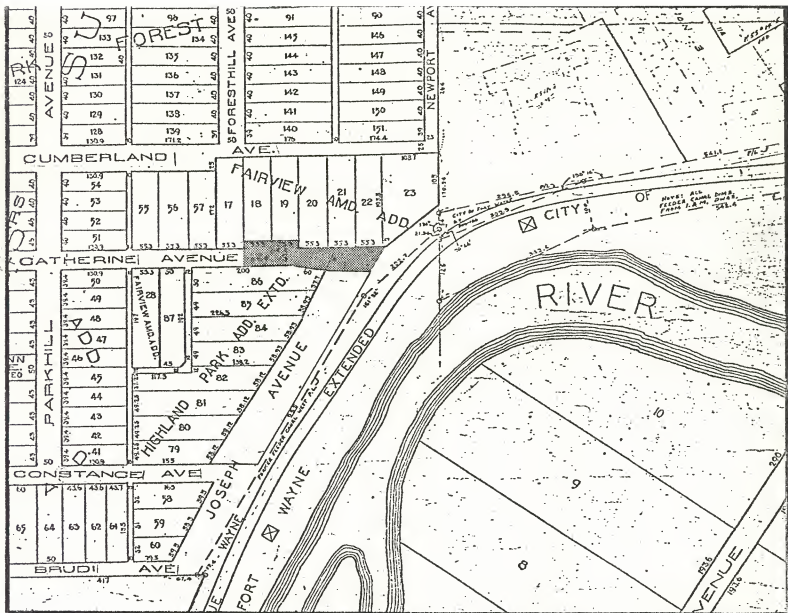
Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachments



PORTION OF STREET TO BE VACATED

MAP. NO. N-22

BY WILLIAM H. NESBITT

6-82-06-24



72-36-14
2/14/82
H.I.

RESOLUTION 72-36-82

WHEREAS, KARL JENSEN and JOHN J. and MARY J. RIGGLE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street situated in Fort Wayne, Allen County, to-wit:

Catherine Avenue from the West property line of Lot 18 of Fairview Amended Addition to the East right-of-way line of vacated Joseph Avenue by General Ordinance G-18-78; more particularly described as follows:

Beginning at the Southwest corner of Lot 18 as established by Instrument No. 80405724 of Fairview Amended Addition; thence South 50 LF to the South right-of-way line of Catherine Avenue, said South line more particularly described as being the North line of Lot 86 as established by Instrument No. 78-23558 of Highland Park Addition Extended; thence Easterly along said North lot line of Lot 86, 109+ LF; thence Southeasterly 40.2 LF to the Northeast corner of said Lot 86; said Northeast corner being on the West right-of-way line of vacated Joseph Avenue; thence East 90.8 LF to the East line of said vacated Joseph Avenue; thence Northeasterly to the North right-of-way line of Catherine Avenue along the East right-of-way line of vacated Joseph Avenue at a point 4.7 LF East of the Southwest corner of Lot 23 of Fairview Amended Addition; thence Westerly along the North right-of-way line of Catherine Avenue a distance of 170.6 LF to the Southwest corner of Lot 20 of Fairview Amended Addition; thence North 5 LF along the West line of said Lot 20; thence West 110.6 LF to the Point of Beginning,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of portion of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said portion of public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said portion of public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

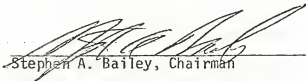
STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Stephen G. Bailey, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held Feb. 14, 1982 and as same appears of record in the official records of said Board of Public Works.

Resolution
Portion of Catherine Avenue

Page two

DATED THIS 14th DAY OF July 19 82.
FORT WAYNE BOARD OF PUBLIC WORKS


Stephen A. Bailey, Chairman


Roberta Anderson-Staten, Member

Betty R. Collins, Member

RESOLUTION

WHEREAS, KARL JENSEN and JOHN J. and MARY J. RIGGLE have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street situated in Fort Wayne, Allen County, to-wit:

Catherine Avenue from the West property line of Lot 18 of Fairview Amended Addition to the East right-of-way line of vacated Joseph Avenue by General Ordinance G-18-78; more particularly described as follows:

Beginning at the Southwest corner of Lot 18 as established by Instrument No. 80405724 of Fairview Amended Addition; thence South 50 LF to the South right-of-way line of Catherine Avenue, said South line more particularly described as being the North line of Lot 86 as established by Instrument No. 78-23558 of Highland Park Addition Extended; thence Easterly along said North lot line of Lot 86, 109+ LF; thence Southeasterly 40.2 LF to the Northeast corner of said Lot 86; said Northeast corner being on the West right-of-way line of vacated Joseph Avenue; thence East 90.8 LF to the East line of said vacated Joseph Avenue; thence Northeasterly to the North right-of-way line of Catherine Avenue along the East right-of-way line of vacated Joseph Avenue at a point 4.7 LF East of the Southwest corner of Lot 23 of Fairview Amended Addition; thence Westerly along the North right-of-way line of Catherine Avenue a distance of 170.6 LF to the Southwest corner of Lot 20 of Fairview Amended Addition; thence North 5 LF along the West line of said Lot 20; thence West 110.6 LF to the Point of Beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 35-7-4-512; and

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 21, 1982 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public portion of street.

WHEREAS, said vacation of the portion of street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public portion or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said portion of street in Allen County, Indiana.

Resolution

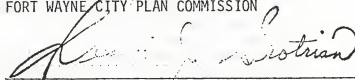
Page two

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Dennis J. Grotrian, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 28, 1982, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8th DAY OF July 19 82

FORT WAYNE CITY PLAN COMMISSION



Dennis J. Grotrian
Secretary



The City of Fort Wayne

City Plan Commission

July 19, 1982

TO: Common Council
City of Fort Wayne

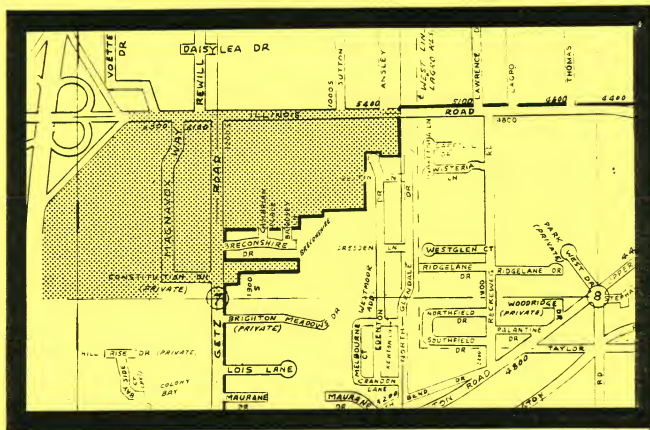
RESOLUTION
OF THE
CITY PLAN COMMISSION

BE IT HEREBY RESOLVED that the City Plan Commission on June 28, 1982, recommended DO PASS for the Magnavox Way Annexation. Annexation Bill No. X-82-07-14 and Resolution No. R-82-07-19.

Certified and signed this
19th day of July, 1982.

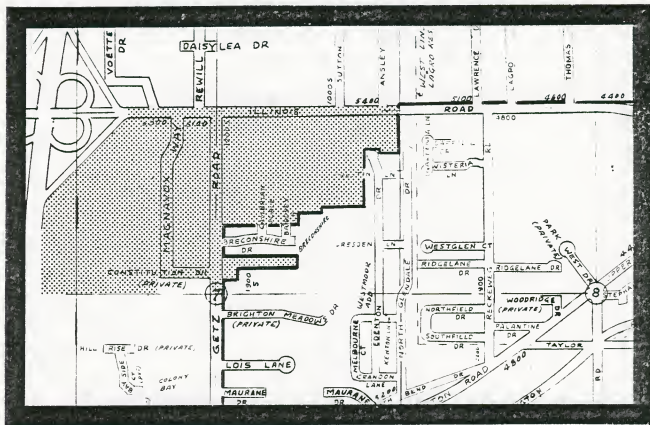
Dennis J. Grotrian
Secretary

MAGNAVOX WAY ANNEXATION FISCAL PLAN



DEPARTMENT OF
COMMUNITY DEVELOPMENT
AND PLANNING

MAGNAVOX WAY ANNEXATION FISCAL PLAN



DEPARTMENT OF
COMMUNITY DEVELOPMENT
AND PLANNING

TABLE OF CONTENTS

SECTION I: BASIC DATA

A. Location.....	1
B. Size.....	1
C. Population.....	1
D. Buildings.....	1
E. Land Use.....	1
F. Zoning.....	1

SECTION II: THE COMPREHENSIVE ANNEXATION PROGRAM..... 3

SECTION III: STATE LAW REQUIREMENTS

A. Introduction.....	4
B. Contiguity.....	4
C. Commercial Zoning.....	4
D. "Needed and can be used".....	4
E. Conclusion.....	11

SECTION IV: MUNICIPAL SERVICES

A. Police.....	12
B. Fire.....	14
C. EMS.....	14
D. Solid Waste Disposal.....	15
E. Traffic Control.....	15
F. Streets and Roads.....	16
G. Parks.....	17
H. Water.....	17
I. Fire Hydrants.....	18
J. Sanitary Sewers.....	18
K. General Administration.....	18
L. Storm Sewers.....	19
M. Street Lighting.....	19

SECTION V: FINANCIAL SUMMARY

A. Revenues.....	20
B. Expenditures.....	21
C. Five Year Summary.....	22

SECTION ONE - BASIC DATA

A. LOCATION

The area proposed for annexation is located west of the City of Fort Wayne and is bounded on the north by Illinois Road, on the east by the City, on the west by I-69, and on the south by Constitution Drive and the Colony Bay apartment complex. The annexation area is depicted in greater detail on the cover of this report.

B. SIZE

The Magnavox Way Annexation Area encompasses 243.37 acres.

C. POPULATION

Advanced report figures from the 1980 Census of Population and Housing show that there are 2.44 persons per dwelling unit in the part of Wayne Township that is outside of Fort Wayne. Multiplying this figure by the 48 dwelling units that are in the annexation area, we estimate that there are 117 people residing in the annexation area.

D. BUILDINGS

		<u>Condition</u>
Single Family Units	48	Fair-Good
Commercial Units	15	Good

E. LAND USE

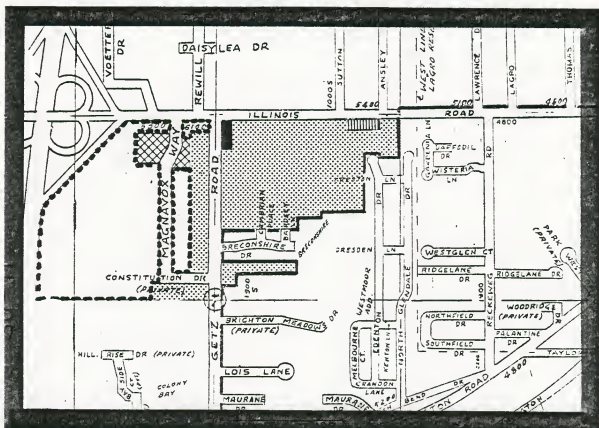
		<u>Acres</u>
Residential	25%	60.8
Commercial	28%	68.1
Agricultural/Vacant	39%	94.9
Streets	8%	19.5

F. ZONING

The Magnavox Way area has five different zoning classifications (see Figure 1). Upon annexation, the land will be under the jurisdiction of the City Plan Commission and will be classified as follows:

	<u>County Zoning</u>		<u>City Zoning</u>
RS1	Suburban Residential	R1	Single Family Residence
C1	Limited Commercial	B1B	Limited Business (B)
C1(P)	Limited Commercial	B1B	Limited Business (B)
C5	Commercial Interchange	IA	Interchange Access
C6	Drive-In Facility	B4	Roadside Business

Figure 1



ZONING

- RS1 Suburban Residential
- C1 Limited Commercial
- C1(P) Limited Commercial
- C5 Commercial Interchange
- C6 Drive-In Facility

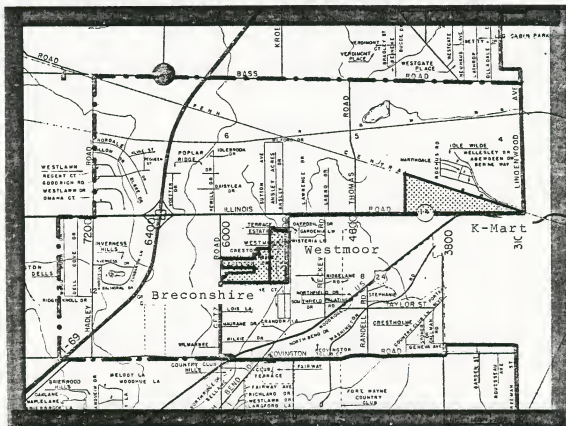


SECTION TWO - THE COMPREHENSIVE ANNEXATION PROGRAM

The annexation of Magnavox Way is part of a larger, comprehensive annexation program that was promulgated in a report prepared by the Department of Community Development and Planning in 1975 and which was subsequently updated in 1976. The Annexation Policy and Program Study was the culmination of a year and a half of extensive study and is used as a policy guide for the City's annexation program. The report recommends that "all urban land contiguous to the City Limits should become part of the City" as should "all non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth." Because the Magnavox Way area met this criteria in 1975-76, the report identified it as part of a larger area which was recommended for annexation. Of course, with the growth that has taken place in the area since then, the case for annexation is even stronger in 1982.

Also identified in the recommended annexation area, (described in the report as WAY-1) are the areas known as K-Mart West (since annexed), Breconshire (since annexed), and Westmoor Extended (since annexed). Figure 2 shows the WAY-1 annexation area and the annexations which have occurred since the report was prepared.

Figure 2



ANNEXATIONS IN WAY-1

SECTION THREE - STATE LAW REQUIREMENTS

A. Introduction

When annexing an area, the municipality must be sure that the proposed annexation is in accordance with state statutes. The existing state law (IC 36-4-3-13) stipulates that an annexation is valid if the proposed annexation area is at least one-eighth contiguous to the municipality and if any one of three conditions exist: (1) if the population density is at least three persons per acre; (2) if sixty percent of the annexation area is subdivided; or if (3) the area is zoned for commercial, business, or industrial uses. In addition, a city may annex an area if it is at least twenty-five percent contiguous and if the area is needed and can be used by the municipality for its development in the reasonably near future. In both instances, the municipality must prepare a fiscal plan. Among other things, the fiscal plan should provide cost estimates of the services to be furnished to the annexed territory, together with the methods for financing such services.

The Magnavox Way annexation meets not just one, but both of the tests that have been established to determine the validity of annexations. The remainder of this section will be devoted to explaining how the Magnavox Way annexation meets these two annexation tests.

B. Contiguity

Figure 3 illustrates the length of the external boundaries of the annexation area. As can be seen, forty-one percent of the annexation area's boundaries are contiguous to the City. Therefore, this annexation easily meets the contiguity requirements mandated by state statute.

C. Commercial Zoning

As mentioned in the introduction, if the annexation is at least one-eighth contiguous (12.5 percent), it can be annexed if only one of three conditions are met. The Magnavox Way annexation, in having land that is zoned for commercial use (see Figure 1), meets this requirement.

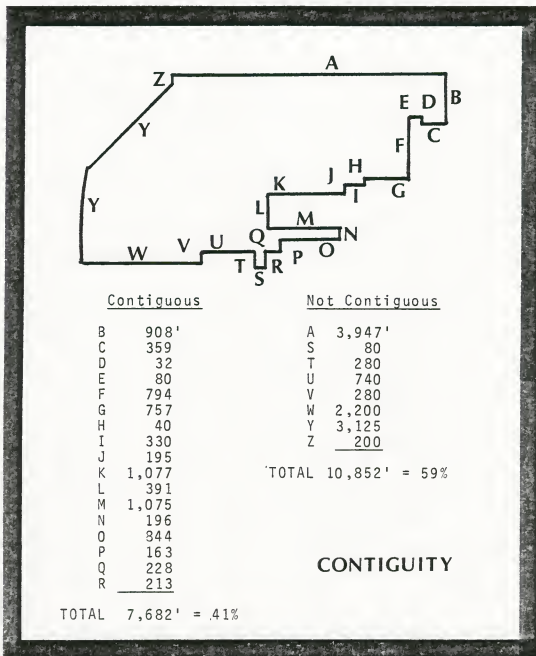
D. "Needed and can be used...."

If an area is at least twenty-five percent contiguous to the municipality, it can be annexed if it "is needed and can be used by the municipality for its development in the reasonably near future" (IC 36-4-3-13). The Magnavox Way area is needed for the development of Fort Wayne for the following reasons: (1) More Efficient Service Provision; (2) Physical Development; (3) Economic Development; and (4) Planning Control.

(1) More Efficient Service Provision

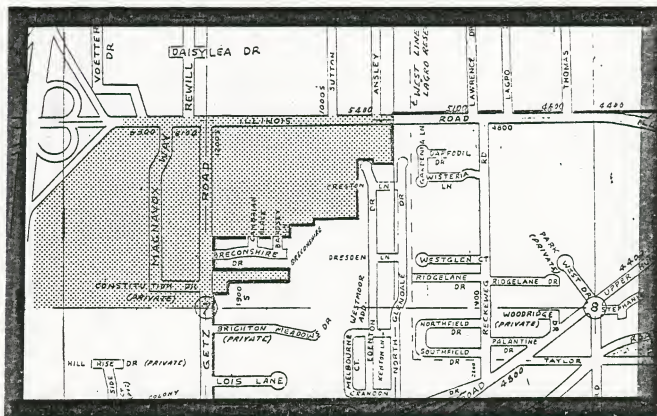
The Magnavox Way area is needed so that the City can provide services more efficiently. The annexation of this area will improve the delivery of services in two ways: first, it will greatly reduce problems associated with irregular boundaries and, second, it will enable the City to take advantage of economies of scale.

Figure 3



Regarding the first point, service providers who are confronted with irregular and confusing boundaries react in one of two ways: they provide services, or they don't provide services. As a result, many areas which are on the border between the city and the county, and which have irregular boundaries, may be receiving too few or too many services. This problem is particularly relevant for the Magnavox Way area. As Figure 4 shows, the only way for City agencies to provide services to the Breconshire Subdivision is to drive through the county on Getz Road. Consequently, City service providers must leave the City, drive through county areas, and re-enter the City through the Breconshire Subdivision to service this area. Not surprisingly, complaints have been received from residents in this area that the City has "forgotten" them. However, when City agencies do provide services to this area, they also provide services to county residents. For example, as police cars travel through the county to get to the Breconshire addition, they provide a stabilizing influence to the area and help deter crime. Needless to say, this kind of overlapping of services is inefficient and wasteful. The annexation of Magnavox Way will greatly reduce service delivery problems caused by an absence or an overlapping of services.

Figure 4



IRREGULAR BOUNDARIES

The second point, economies of scale, works something like this: If the City of Fort Wayne invests in a fire station, a pumper, and the minimal manpower necessary to respond to a fire 24 hours a day, it is most efficient to utilize these resources to their fullest capacity. Therefore, if such a hypothetical station has a range of response of three miles in all directions and the jurisdiction of the station is limited to two miles, the station is being under-utilized. This is inefficient and increases the cost of fire protection for the entire area. In fact, this is the case in the Magnavox Way area. Both the Fort Wayne Police and Fire Departments have stated that they can provide services to the Magnavox Way area with no increase in manpower and with minimal or no increases in expenditures. Therefore, the annexation of Magnavox Way will enable both departments, as well as other service agencies, to utilize their excess capacity, and will reduce the cost of services for the thousands of Fort Wayne residents who are presently paying for this excess capacity.

(2) Physical Development

The population of the Fort Wayne Standard Metropolitan Statistical Area is increasing, while the population of the City of Fort Wayne is decreasing. This apparent anomaly is explained by the fact that many people who leave the City are relocating in areas adjacent to it. In doing so, they continue to rely on the City to meet their economic, social, recreational, and cultural needs. The primary difference is that they are no longer counted as City residents for census purposes and they no longer pay City property taxes. This latter impact will be examined in the next section.

Because of these trends, areas adjacent to the City have experienced considerable development, and the Magnavox Way area is no exception. Since 1975, development permits have been granted for the construction of seven new commercial/office buildings in the Magnavox Way Annexation Area. In addition, since 1979, two parcels of land have been rezoned in this area. These facts, coupled with ample amounts of vacant or undeveloped land (nearly 39% of the annexation area), shows that there is considerable pressure for development in the area and that this development will continue.

Such adjacent growth has been promoted by both the City and the Allen County Plan Commissions. A position taken in the Allen County Comprehensive Plan is that adjacent growth promotes the full utilization of vacant land contiguous to the City of Fort Wayne and discourages scattered land development. Growth in this fashion minimizes the costs of utility and facility costs and generally promotes the efficient delivery and use of all urban services.¹ The Fort Wayne City Plan Commission's policy, articulated in the 1975-76 Annexation Policy and Program Study, is that all "urban" land contiguous to the City Limits should

Physically, the Magnavox Way area is united with the City of Fort Wayne. The Fort Wayne Water Department and the Fort Wayne Department of Water Pollution Control have extended services into the area (see Figure 5), and both agencies have the capability to increase their services in this area as they are desired. In addition, the Magnavox Way area is part of the Urban Service Area that has been identified in the Fort Wayne Comprehensive Plan. Finally, the Magnavox Way area is needed by the City of Fort Wayne because it will provide a vital link with other urbanized areas on the West Central side of Fort Wayne. For example, immediately to the south of the Magnavox Way area is a large apartment complex (Colony Bay) and an important commercial center which serves the needs of many City residents (Covington Plaza). The annexation of Magnavox Way will strengthen the City's attempts to incorporate these, and other, urban areas linked to Fort Wayne.

[illegible]

8

(3) Economic Development

One of the most serious problems confronting Fort Wayne is finding ways to maintain urban services at specific minimum levels in the face of declining revenues and population losses. The gravity of this problem can easily be seen when looking at socioeconomic trends in Fort Wayne-Allen County (see Table 1). Fort Wayne's percentage of the total Allen County population has been steadily decreasing. In 1960, the City had 70 percent of Allen County's population; by 1980, that percentage was down to 58 percent. These figures would have been even lower if a number of annexations had not taken place. For example, subtracting the 30,000 people who have been annexed over the past two decades, the 1980 population of Fort Wayne would be 142,196 (a decrease of 19,580 since 1960), while the population for the rest of Allen County would be 152,139 (an increase of 81,719 since 1960).

Accompanying these population shifts have been changes in the composition of the population. For example, the City of Fort Wayne, with 58 percent of Allen County's population in 1980,

Table 1

	FORT WAYNE		ALLEN COUNTY		TOTAL
	POPULATION				
1960	161,776	70.0%	70,420	30.0%	232,196
1970	177,671	63.4%	102,784	36.6%	280,455
1980	172,196	58.5%	122,139	41.5%	294,335
	BLACK POPULATION				
1960	11,645	99.5%	57	.5%	
1970	18,921	98.0%	377	2.0%	
1980	25,063	94.9%	1333	5.1%	
	ELDERLY POPULATION (65+)				
1960	15,245	78.3%	4,230	21.7%	
1970	18,240	76.4%	5,634	23.6%	
1980	Not Presently Available				
	MEDIAN FAMILY INCOME				
1960	\$ 6,492		\$ 6,732		
1970	\$10,401		\$12,627		
1980	Not Presently Available				

SOCIOECONOMIC CHARACTERISTICS

had 95 percent of the county's Black population. Also, in 1970, the City had 63 percent of the total population in Allen County, yet they also had 76 percent of the county's elderly population (65 and older). Given these changes, it is not surprising that the income gap between city and county residents has increased.

The impacts of these demographic changes in Fort Wayne-Allen County have been inequitable. As the income gap between the city and county has increased, the people who have remained in the City, perhaps needing more services because of lesser incomes, are required to pay more taxes because of the flight of population and money to the suburbs. Of course, they are less able to accommodate the tax increases than the average Allen County resident. To make matters worse, there is some evidence that city residents are subsidizing their richer counterparts who reside outside of the City. For instance, an examination of the accident reports prepared by the Fort Wayne Police Department (FWPD) for the week of October 4-10, 1981 shows that they responded to 135 accidents in the City. Of the 129 reports in which the address of the person (or persons) involved in the accident could be determined, it was discovered that 44 police runs were made to assist county residents. Thus, thirty-four (34) percent of the accident runs made by the Police Department in this week were made to assist county residents. The entire budget of the FWPD is paid by city residents. County residents contribute nothing.

(4) Planning Control

The Magnavox Way area is also needed by the City of Fort Wayne so that it will have planning and zoning control over the area. This is important because the City, being an urban area, has planning and zoning standards that are more attuned to urban areas adjacent to the City. On the other hand, the county, which has large amounts of agricultural land, has standards that are more attuned to a rural life style.

For example, all residential zones in the county -- RS1, RS2, and RS3 -- allow all uses which are permitted in the Agricultural District (A1). However, the City Zoning Ordinance restricts agricultural uses from its comparable districts (R-1, R-2 and R-3). Also, for some development specifications, such as sidewalks and street lights, the City has more stringent development standards.

It makes sense, of course, to have distinct standards for the urban and rural uses. What does not make sense is to allow areas that are within the sphere of influence of Fort Wayne, and which are, or will be, urban in nature, to be subjected to standards which are not suitable for urban development and which will only cause problems in the long run.

E. Conclusion

The Magnavox Way Annexation Area should be annexed into the City of Fort Wayne because it meets not only one, but two annexation tests that have been established by the State Legislature: (1) The annexation area

is forty-one percent contiguous to the municipality and is zoned for commercial uses, and (2) the Magnavox Way area is forty-one percent contiguous to the City and is needed and can be used by Fort Wayne for its growth and development in the reasonably near future. Indeed, if the city of Fort Wayne, which is responsible for most of the development in the Magnavox Way area because of the proximity of its large labor and consumer markets, is to cope with many of the problems besetting most urban areas, it must be able to recoup some of the benefits accruing to the companies in the annexation area. The City of Fort Wayne needs the Magnavox Way area so that it can develop into a more responsive city fiscally, economically, socially, and culturally.

Footnotes

¹The Comprehensive Plan of Allen County, Indiana, the Allen County Plan Commission, Volume Six, p 36.

²Annexation - Policy and Program Study, The Department of Community Development and Planning, August 1975, p 93.

SECTION FOUR - MUNICIPAL SERVICES

This section of the Fiscal Plan forecasts the costs and methods of financing services for the Magnavox Way Annexation Area. The plan also describes how and when the City plans to extend the services of non-capital and capital improvement natures. As will be seen, the explanations of the above provisions satisfy the requirements of Indiana State Law.

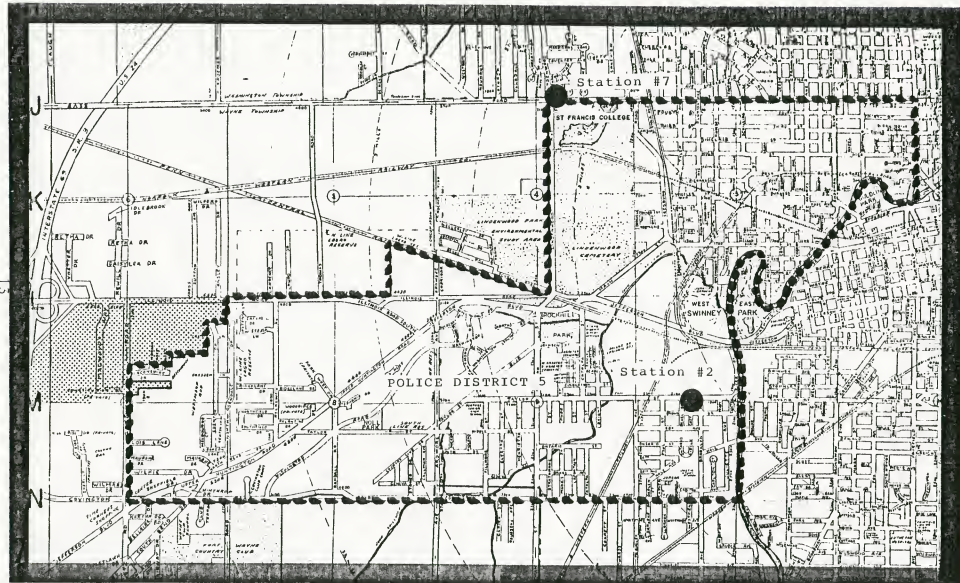
The municipal services described in this section are analyzed according to the needs of the Magnavox Way Annexation Area, along with the costs of providing these services and the funding sources. As required by state law, Magnavox Way will be treated equally with other City areas and will receive urban services in the same manner as other areas within the City. However, because the City does not employ different services standards for different areas of the City, the annexation area is compared with the services standards as they exist for the entire City. The City of Fort Wayne will provide services of a non-capital nature, including police and fire protection, emergency medical service, traffic control, solid waste collection, and street and road maintenance within one year after the effective date of annexation. Street lighting and street construction will be provided in accordance with the standard processes of the City, which include petitioning and financial participation by property owners. The water, sewer, and drainage services of the Fort Wayne City Utilities will be made available to the area in conformance with relevant state law and utility policies. Existing facilities of the Fort Wayne Parks and Recreation Department will also be available to residents of the area upon annexation. Park development within the annexation area is contingent upon the park planning standards and methods used throughout the City.

A. Police

The services provided by the Fort Wayne Police Department includes the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day-to-day conflicts among family, friends, and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is also involved in legal work, such as participation in court proceedings and protection of constitutional guarantees. It is also responsible for the control of traffic and the promotion and preservation of civil order.

District 5 will be expanded to cover the Magnavox Way Annexation Area (see Figure 6). The Police Department keeps tabulation on the percentage of personnel and equipment necessary for the City's annexation program, and has determined that additional personnel are not required for this particular annexation. A maximum number of 11 patrols is forecast for the annexation area within a 24-hour period. The A and C shifts will make a maximum of four patrols while the B shift will make a maximum of three patrols. Even though there will be daily variations, the Chief of Police will routinely monitor the situation and will make the necessary adjustments in patrol districts, patterns, and manpower so that response time to high priority calls will be approximately three minutes -- which is standard for the City.

Figure 6



POLICE AND FIRE SERVICE

The costs to provide police protection to Magnavox Way will be \$12,318.75 a year. This cost is based on a maximum of eleven patrols in a 24-hour period. To arrive at the total cost for police services, the number of street miles in the annexation are calculated and multiplied by the travel cost per mile. Funding for police manpower and equipment to be used for the annexation area will come from the regular Police Department budget which is derived primarily from local property taxes through the General Fund. Money allocated to the General Fund can be used for this budget and these services.

ESTIMATED ANNUAL COST: \$12,318.75

B. Fire Department

The Fort Wayne Fire Department will be responsible for providing services to the Magnavox Way Annexation Area within one year after the annexation date. The services provided include fire protection and suppression, emergency rescue, and fire prevention. The first responding fire company will be from Station 2 at 2023 Taylor Street and Station 7 and 1602 Lindenwood Avenue. If needed, backup response will come from Station 1 at 419 East Main Street.

This particular annexation will not require a new fire station nor will it require additional personnel and equipment. The only additional expense that is expected will be from operating costs for such items as postage, printing, photography, and gasoline. However, the operating costs will be minimal considering that the Magnavox Way Annexation Area will be only a fraction of the total area serviced by the City. Funding for the operating costs will come from the Fire Department budget through the General Fund.

ESTIMATED ANNUAL COST: \$230.00

C. Emergency Medical Service (EMS)

At the present time, the Emergency Medical Service provides Basic Life Support service only to City residents. Therefore, residents in the Magnavox Way Annexation Area will receive this service within one year after the annexation date. EMS is presently providing Advance Life Support (ALS) service to the entire county. Consequently, annexation will not affect the delivery of Advanced Life Support service and the residents of Magnavox Way will continue to receive ALS service after annexation.

Using service run records of the past several years, as many as six EMS ambulances will be stationed at different locations throughout the community. Upon receiving a request for service from Magnavox Way, the ambulance closest to the area would be dispatched to the subdivision. In addition, for some emergencies, such as heart attacks, the Fort Wayne Fire Department will provide extra assistance. Primary assistance will come from Station 7 and Station 2. Secondary assistance from the Fire Department will come from

Station 1. The Fire Department trains a number of its personnel so that each fire station has an emergency medical technician. Therefore, if needed, firemen are able to administer medical treatment to residents before the ambulance arrives.

The method of financing Emergency Medical Service is based on charging residents who use the service. The charge is \$65 for non-emergency runs and \$120 for emergency runs. This method of financing permits EMS service to be extended to Magnavox Way with its existing budget and no additional manpower or equipment will be needed to service the annexation area.

ESTIMATED ANNUAL COST: \$0

D. Solid Waste Disposal

The City of Fort Wayne will provide garbage collection to the Magnavox Way area within one year after the annexation date. The City currently contracts with National Serv-All and SCA Services of Indiana to provide this service. The proposed annexation area will be served by National Serv-All. According to the contract, the City is charged \$30.12 per household per year by National Serv-All for single family and duplex housing. In multiple family developments, the costs for solid waste collection are \$27.36 for every unit. Since the Magnavox Way annexation contains 48 single family units, garbage disposal for the area will cost the City \$1,445.76 a year. The collection service will be financed by the City's Garbage Disposal Fund which comes from the General Fund.

ESTIMATED ANNUAL COST: \$1,445.76

E. Traffic Control

The City's Traffic Engineering Department will assume responsibility for traffic control in the Magnavox Way area within one year after the annexation date. Some of the services that can be provided by the department are surveys and investigations of traffic conditions and problems. The department can also recommend the solutions to traffic control problems. Finally, the department provides installation and maintenance of traffic control devices such as stop lights, control signs, and fire alarm systems.

The Traffic Engineering Department will not require additional personnel to perform its services in the Magnavox Way Annexation Area, but more traffic signs and posts will be needed. The Traffic Engineering Department will also be responsible for an annual paint program to line some of the streets in the annexation area. The costs for these items are listed in Table 2.

The annexation of Magnavox Way will create two types of expenditures for the Department of Traffic Engineering. First, there will be capital costs for such items as stop signs. Capital costs are a one time expense to upgrade the area's traffic control system so that it is compatible with the traffic control system of Fort Wayne. The total capital costs expected for this annexation is \$126.25. The second expenditure to be incurred by the

Traffic Department is the annual cost to maintain the traffic control system. This cost is estimated to be \$1,139.00. Funding sources for these services will be from real estate taxes, Motor Vehicle Highway (MHV) funds, and Revenue Sharing funds.

CAPITAL COST: \$ 126.25
 ESTIMATED ANNUAL COST: \$1,139.00

Table 2

ITEM	NUMBER	COST	COMBINED COST
Signs: No Trucks	1	\$28.35	\$ 28.35
Street Name	1	\$66.60	\$ 66.60
Misc.: Posts - 12'			
3 lb.	2	\$15.65	\$ 31.30
Paint Program		6.7¢ ft.	<u>\$1,139.00</u>
TOTAL COST			\$1,265.25

TRAFFIC ENGINEERING COSTS

F. Streets and Roads

The incorporation of Magnavox Way will add 1.69 miles of residential roads to the City's street system. The streets within the annexation area are listed below, followed by their classification and their condition.

ROAD CLASSIFICATION

STREET	CLASSIFICATION	CONDITION
Illinois Road	Arterial	Good-Poor
Getz Road	Arterial	Good
Magnavox Way	Collector	Good
Constitution Drive	Collector	Good

Table 3

The Fort Wayne Street Department will be responsible for the general maintenance of the streets listed in Table 3 within one year after the annexation date. The Street Department will provide snow and ice removal, leaf pick-up, surface maintenance, and will also mow along the roadsides. The Street Department will also provide engineering services and construction supervision of all streets, alleys, and sidewalks that will be constructed within the proposed annexation area. The provision of these services to the annexation area will not require any additional personnel or equipment, and they will be similar to those services already provided to the rest of the city. The average cost of general street maintenance is \$2,500 per mile of street per year, so the Magnavox Way annexation will cost the City approximately \$4,225 a year in street maintenance costs. The source of funding for street maintenance is the Street Department budget which is composed of funds from Motor Vehicle Highway (MVH), Federal Aid Urban (FAU), and Local Arterial Roads and Streets (LARS) programs.

Besides the maintenance services just discussed, the Street Department will improve streets upon receipt of a petition from the property owners. Arterial and often collector streets can be improved with funding from accounts such as FAU and LARS. The cost to improve residential streets is split between the property owners petitioning for the improvements and the City. The property owners share is 75%, while the City pay 25% of the cost. The City's share will come from Motor Vehicle Highway funds. All petitions from Magnavox Way will be treated equally with other petitions in the City and honored according to the same criteria such as filing date and the amount of money available in any particular year. If annexed, the residents will be able to use Barrett Bonding as a capital source to finance their share of the street project.

ESTIMATED ANNUAL COST: \$4,225.00

G. Parks

Residents of Magnavox Way presently have access to City park facilities, such as swimming pools, baseball diamonds, picnic facilities, golf courses, indoor and outdoor skating facilities, etc. After annexation, they will continue to have access to these facilities and, through the property tax, will contribute to their maintenance.

ESTIMATED ANNUAL COST: \$0

H. Water

The Fort Wayne Water Utility is presently serving 10 residential and 16 commercial units in the annexation area. If requested, the utility has the capacity and the capability to provide sufficient volumes of water to the remaining portions of the annexation area. The extension of water services to individual developments will be considered once the property owners in the area petition for such service. This procedure is the same as that being used by areas within the City. The property owners in the

area must also finance the cost of the installation on either a cash basis, or with a mechanism similar to Barrett Bonding. The bonding procedure permits property owners to spread their payments for the installation costs over a ten year period.

ESTIMATED ANNUAL COST: \$0

I. Fire Hydrants

The City of Fort Wayne pays the Water Utility \$151.20 annually for each fire hydrant located within the City. Since the proposed annexation area contains 14 hydrants, the City will pay the utility \$2,116.80 a year after the area is annexed into the City.

ESTIMATED ANNUAL COST: \$2,116.80

J. Sanitary Sewers

The Fort Wayne Department of Water Pollution Control presently provides sanitary sewers to some residents and businesses in the annexation area. If additional sewer service is desired by other residents, the Water Pollution Control Department has the capability to provide this service. However, the residents will first have to petition for such service. Residents will also have to pay for the installation of the sewers. Upon annexation, residents will be able to take advantage of the Barrett Bonding process. Barrett Bonding permits residents to make long-term, low interest payments for their sewers.

ESTIMATED ANNUAL COST: \$0

K. Administrative Services

All administrative functions of the City will be available to the Magnavox Way Annexation Area within one year after the annexation date. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Department, etc. General administration includes all the regulatory and program functions of the various City departments. When the area is annexed, City departments will be notified and will expand their jurisdictional areas accordingly.

The costs of these services cannot be directly related to the size or population of an area. Consequently, this plan does not include cost estimates. However, the budgets of these departments are developed with consideration of annexation. Therefore, expansion of administrative functions is possible. Funding comes from a variety of sources, including the General Fund, the State, and the Federal Governments.

ESTIMATED ANNUAL COST: \$0

L. Storm Sewers

The Fort Wayne Department of Water Pollution Control is presently responsible for approximately 1,200 feet of storm sewer lines in the annexation area. Upon annexation, the Department will not consider capital improvements for storm sewers unless petitioned by the residents of the area. The City does not have storm sewer relief funds available for this type of project. It is the City's policy that the financing of storm sewers be the responsibility of property owners. Residents can pay through Barrett Law Assessments which allows payment over a ten year period at an interest rate lower than that available on the open market.

When the board of Works receives a petition from the affected property owners, it will direct the department of Water Pollution Control to make an investigation of storm drainage conditions. Upon completion of the study, a contract for storm drainage construction may be let by the Board of Works.

ESTIMATED ANNUAL COSTS: \$0

M. Street Lighting

Within a year after annexation, the Street Lighting Department will assume responsibility for operating and maintenance costs for the street lights that already exist in the annexation area. These costs will be \$192.00.

If additional street lighting is desired, a valid petition must be filed. Once the petition has been received by the City, it will be placed on a waiting list. When street lights have been constructed for all requests that were received prior to the Magnavox Way petition, construction will begin as soon as funds are available. The City will pay for the construction costs. However, if residents desire ornamental street lighting (which also includes underground wiring), they will be responsible for paying the difference between regular street lights and ornamental street lights.

ESTIMATED ANNUAL COST: \$192.00

SECTION FIVE - FINANCIAL SUMMARY

The purpose of this section is to report the revenues and expenditures from the proposed Magnavox Way Annexation. This section will also provide a five-year summary of the expenditures compared with the revenues.

A. Revenues

Property taxes are the main source of revenue to be received from the Magnavox Way Annexation Area. Property taxes are computed from the gross amount of assessed valuation in the area which can be obtained from the office of the Wayne Township Assessor. The formula for computing tax revenue is shown in Table 4.

Table 4

$$\frac{V-E}{100} (T) = TR$$

Where:

V = Assessed Valuation
E = Home Mortgage Exemption (\$1,000)
T = Tax Rate (3.4132)
TR = Tax Revenue

TAX REVENUE FORMULA

The total assessed valuation of the proposed Magnavox Way Annexation is \$3,898,580. Deducted from this figure is \$48,000 in home mortgage exemptions (48 dwelling units x \$1,000 mortgage exemption = \$48,000). This deduction leaves a net balance of \$3,850,580 which is then computed with the City's 1981 tax rate of \$3.4132 per \$100 in assessed valuation. The computation equals \$131,428. Table 5 lists the different funds that make up the Fort Wayne tax rate.

In addition to property taxes, the City receives revenues from Federal Revenue Sharing funds, the Community Development Block Grant, and the Local Road and Streets funds. These grants and funds are based in part on the City's population. Since population is only one element of a very complex distribution formula, the direct contribution of the Magnavox Way annexation cannot be calculated. Still, these funds will increase with City population increases.

Table 5

FUND	TAX RATE
Corporation General	\$2.3610
Fire Pension	.1985
Police Pension	.2283
Redevelopment General	.0111
Redevelopment Bond	.0898
Park General	.3707
Sanitary Officer Pension	.0127
Public Transportation	.1001
Transportation	<u>.0410</u>
TOTAL	\$3.4132

TAXING DISTRICT RATE

B. Expenditures

Expenditures that were reported in the section on Municipal Services are summarized in Table 6. Capital costs are separated from operating costs, and they are considered as maximum expenditures. Since the needs of the Magnavox Way area must be treated equally with the needs of other areas in Fort Wayne, capital improvement projects such as the installation of streets, curbs, and sidewalks must follow routine City procedures which often require petitioning. Utility costs are not reported here as they are paid for by the property owners, and only after they request the improvements.

C. Five Year Summary

The Five Year Summary shows the projected expenditures compared with the tax revenues expected in the Magnavox Way Annexation Area for the first five years after it is incorporated into the City of Fort Wayne.

The summary automatically includes for each of the five years an 11.7% inflation factor for municipal expenditures, and a 5% increase factor for City revenues. The 11.7% inflation factor is the median percent change of selected price indexes (Services and Fuel Costs) as calculated by the 1980 Statistical Abstract of the United States. The revenue factor is derived from the percent increase of assessed valuation in Indiana. This increase is applied to the City's allowed levy ceiling.

Table 7 includes both capital and operating costs in the estimated first year expenditures. Capital costs are a one time expenditure to upgrade the proposed annexation area.

Table 6

DEPARTMENT	CAPITAL COSTS	OPERATING COSTS
Police	\$.00	\$12,318.75
Fire	\$.00	\$ 230.00
EMS	\$.00	\$.00
Solid Waste Disposal	\$.00	\$ 1,445.76
Traffic Control	\$126.25	\$ 1,139.00
Streets	\$.00	\$ 4,225.00
Street Lighting	\$.00	\$ 192.00
Parks	\$.00	\$.00
Water	\$.00	\$.00
Fire Hydrants	\$.00	\$ 2,116.80
Sanitary Sewer	\$.00	\$.00
Storm Sewer	\$.00	\$.00
Admin. Functions	\$.00	\$.00
TOTAL	\$126.25	\$21,667.31

EXPENDITURES IN THE ANNEXATION AREA

Property tax revenue from the annexation area will not be collected until 1984. Assuming the area is not annexed until December 31, 1982, assessment will not occur until March of the same year with revenues being collected in 1984. Since revenues are not collected for one year after the effective date of the annexation, the City will experience a loss of \$21,667 in 1983. However, beginning in 1984, the amount of revenue will exceed the projected cost estimates to service the area.

Table 7

	EXPENDITURES	PROPERTY TAX REVENUE	BALANCE
1983	\$21,793.56		-\$ 21,793.56
1984	\$24,202.38	\$137,999.40	+\$113,797.02
1985	\$27,034.05	\$144,899.37	+\$117,865.32
1986	\$30,197.03	\$152,144.34	+\$121,947.31
1987	\$33,730.08	\$159,751.56	+\$126,021.48
TOTAL	\$136,957.10	\$594,794.67	+\$457,837.57

REVENUES MINUS EXPENSES

Footnotes

¹Annual Percent Change in Selected Price Indexes: 1960 to 1970, The 1980 Statistical Abstract of the United States, U.S. Department of Commerce, Bureau of the Census, 101st Edition, Table 794, p. 478.





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

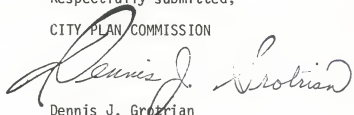
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-82-06-22 (AS AMENDED)

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of July, 1982.


Dennis J. Grobman
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held July 26, 1982. In addition to the reasons outlined in the resolution the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-06-22 (AS AMENDED)
2. From R-3 to B-3-B
3. Intended Use: Appliance Sales & Service
4. Plan Commission Recommendation: DO PASS as PERFECTED to a B-1-B

This ordinance received a DO PASS recommendation for the following reason:

REASON: The use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 22, 1982 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-06-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 19, 1982;

NOW THEREFORE BE IT RESOLVED that the City Plan Commission does hereby recommend by a motion by Ben Eisbart, seconded by Robert Hutner that this ordinance be returned to the Common Council with a DO PASS recommendation as PERFECTED based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

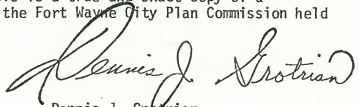
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

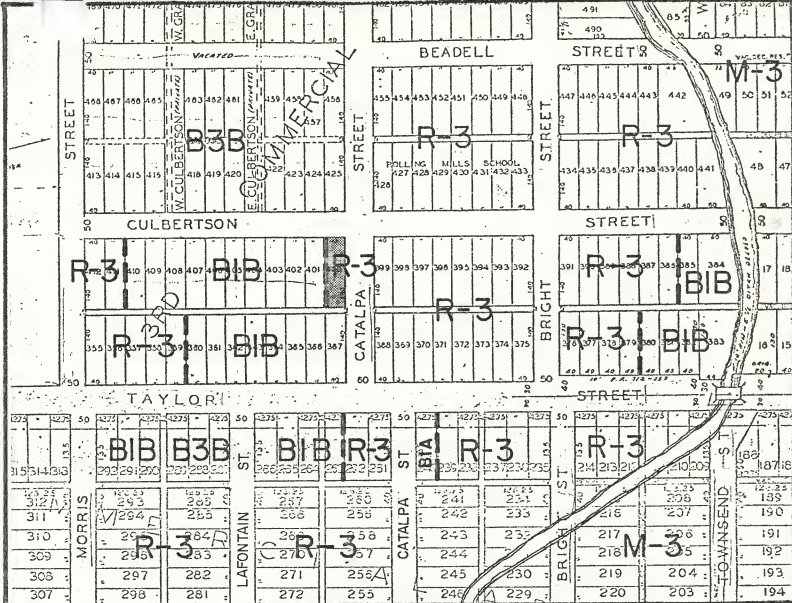
(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 26, 1982.

Certified and signed this
27th day of July, 1982.


Dennis J. Grobrian
Secretary



**REQUEST TO CHANGE FROM R-3
TO B3B ZONING**

PERFECTED TO A B-1-B District

MAP NO. 1-2

Z-82-06-22 (AS AMENDED)

BY WILLIAM H. NESBITT 5-26-82

N



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-82-07-04

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of July 1982.


Dennis J. Grotman
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held June 28, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-82-07-04
2. From R-3 to B-3-B
3. Intended Use: Not Given
4. Plan Commission Recommendation: DO PASS with conditions.

CONDITIONS: a. The east property line of that portion of Lot #52 owned by the petitioner is to be screened from adjacent properties.

b. No outside storage is to be conducted on the property.

Note: A letter from the petitioner's attorney agreeing to the conditions has been received a copy is attached to the original ordinance and the original is on file in the Plan Commission Office.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1982 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-07-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS the City Plan Commission conducted a public hearing on such proposed ordinance on June 21, 1982;

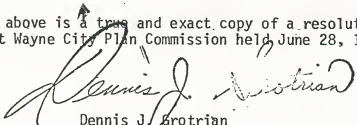
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

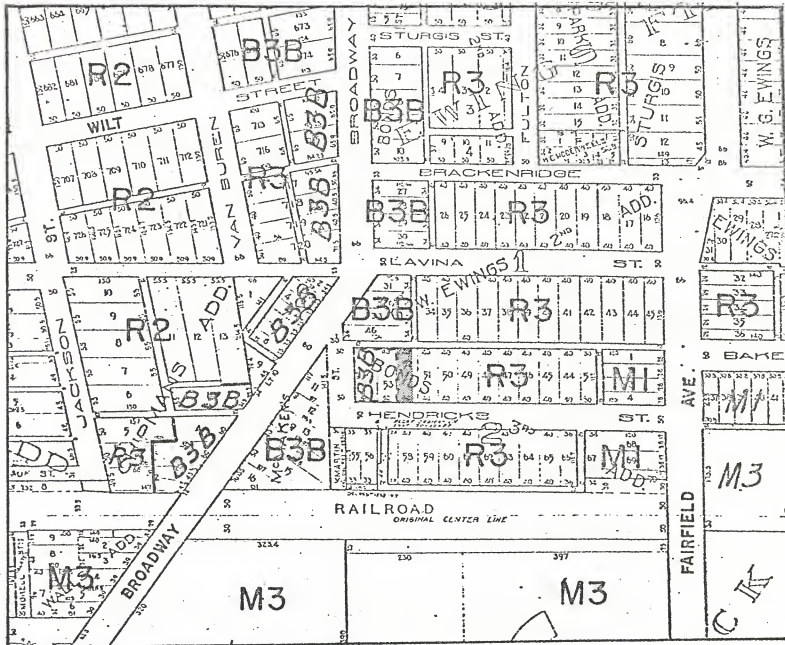
- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 28, 1982.

Certified and signed this
27th of July 1982.


Dennis J. Brotrian
Secretary



 ZONING RECLASSIFICATION FROM AN R-3 TO A B3B DISTRICT.

MAP NO. L-2

Z-82-07-04

BY WILLIAM H. NESBITT 6-8-82

N



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

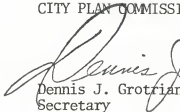
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:


BILL NO. Z-82-07-02

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of July 1982.


Dennis J. Grotrian
Secretary





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

27 July 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment:

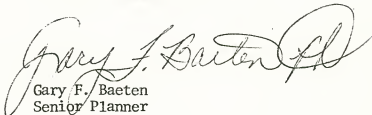
1. Bill No. Z-82-07-02

This ordinance was requested ~~WITHDRAWN~~ by the petitioner.
A copy of the petitioner's written request is attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION


Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 13, 1982 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-07-02; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 19, 1982; and,

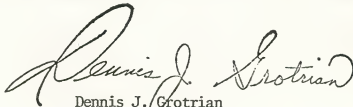
WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the petitioner;

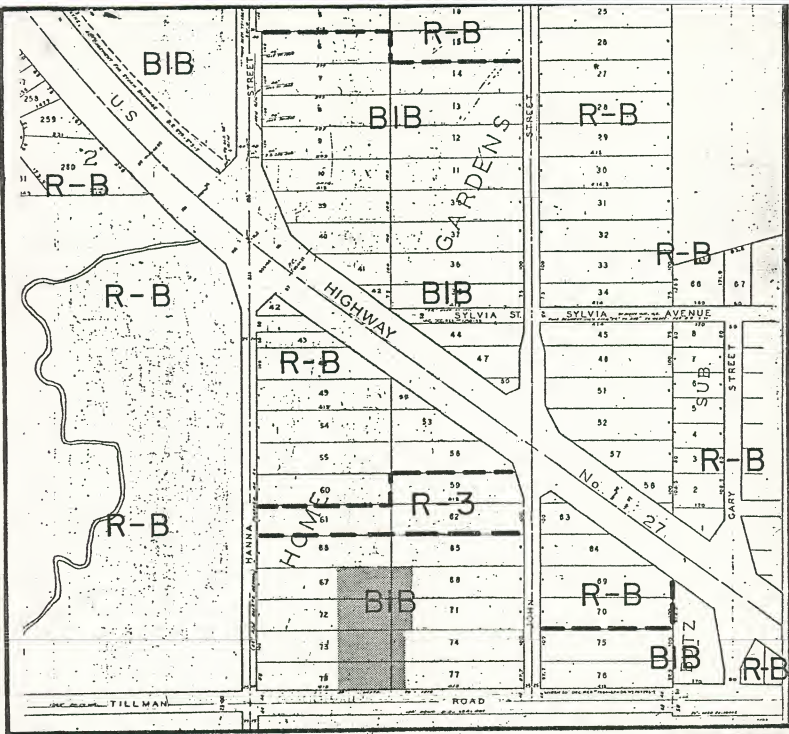
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.


This is to certify that the above is a true and exact copy of a resolution adopted by the Fort Wayne City Plan Commission.

Certified and signed this
27th day of July 1982.



Dennis J. Grotrian
Secretary



 REQUEST TO CHANGE FROM BIB TO B3B
 ZONING

Z-82-07-02

MAP NO. N-27

BY WILLIAM H. NESBITT

6-30-82

N

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL
MEETING OF THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA, TO BE HELD

Thursday - July 28, 7:00 P.M.

We, the undersigned, being all of the members of the Common Council
of the City of Fort Wayne, Indiana do hereby call a special meeting of said Council
to be held on Thursday - at 7:00 o'clock P.M.
E.S.T. and jointly and severally waive notice of the time, place and purpose of
said meeting and consent that same be held on the aforesaid date for the purpose of
placing 82-07-20 -- AN ORDINANCE fixing the salaries of each and
every appointed officer, employee, deputy assistant, departmental
and institutional head of the Civil City and City Utilities
of the City of Fort Wayne, Indiana for the year 1983 for
consideration.

Samuel J. Galanis

Mark E. Quinn

Janet H. Bradbury

R. J. Achore

John

NSH

Barbara

DATED THIS 27th Day of July, 1982.

Charles W. Westerman

CHARLES W. WESTERMAN
CITY CLERK

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 27th day of July, 1932 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____.

Charles W. Westerman
City Clerk